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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,167	01/09/2004	David Esberger	827.1.023	1278

7590 06/10/2004  
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P.O. BOX 247  
PRINCETON JUNCTION, NJ 08550

EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/755,167

Applicant(s)

ESBERGER, DAVID

✓

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6, 9-16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 17, 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-16, 19, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Suter US 5975479.
3. Regarding claims 1 and 6, Suter discloses a fishing accessory apparatus comprising a base 19, an accessory support 16 including a plurality of accessory stations 38, 48; wherein said accessory support 24 collapsibly attaches (via elements 22 and 23) for movement of accessory support 16 from a collapsed to an operational position.
4. Regarding claim 2, Suter discloses the base includes first and second generally opposed members (col 2, line 59 discloses a "C-shaped clamp"—which suggests first and second generally opposed members which fit over the gunwale).
5. Regarding claim 3, Suter discloses the base 19 includes at least one transverse member connected to the first and second members (see element 21 in figure 1—if fully screwed into place, the clamp would connect the first and second members.
6. Regarding claim 4, Suter discloses at least one part of the transverse member 21 includes a brace (see enlarged portion on interior of element 19 for connecting the screw to the side of the boat).

7. Regarding claim 5, Suter discloses the base 19 comprises a generally rectangular frame (when viewed from above) wherein first and second generally opposed members extend in a direction generally transverse to a longitudinal axis of the accessory support, and first and second transverse members extend in a direction generally perpendicular to said first and second members (see orientation of parts in figure 2).
8. Regarding claim 9, Suter discloses the accessory support 16 attached to the base via at least one hinge (adjacent elements 42 and 49).
9. Regarding claim 10, Suter discloses the first and second members (col 2, line 59) extend beyond a point of intersection of said accessory support with said base.
10. Regarding claims 11 and 19, Suter discloses at least one accessory station 31, 48 includes a fishing rod receptacle.
11. Regarding claim 12, Suter discloses an aperture for receiving a fishing rod handle 31, a support region for supporting the shaft 48, and a channel (present between the two support members).
12. Regarding claim 13, Suter discloses the fishing rod receptacle adjustably attaches to said transverse support via a fastener 38 extending through the channel.
13. Regarding claims 14 and 20, Suter discloses the fastener 42 is a bolt and said transverse support includes at least one aperture for receiving the bolt.
14. Regarding claim 15, Suter discloses that the fishing rod receptacle 31, 48, adjustably attaches to the transverse support 24, allowing for multiple axis adjustability of said receptacle.

***Allowable Subject Matter***

15. Claims 7, 8, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Soenksen US2642690; Albert US2693332; Ridlen US6651374; Moon US5421116; Lo US 5363584.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
blg

Bethany L. Griles  
Examiner  
Art Unit 3643

  
Peter M. Poon  
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6/7/04